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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/208,696 | 12/10/1998 | YASUYUKI SEKINE | RM.HPK | 8464 |

23548 7590 07/05/2005

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| EXAMINER | |
|---|---|
| COLLINS, DOLORES R | |
| **ART UNIT** | **PAPER NUMBER** |
| 3711 | |

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/208,696 | SEKINE, YASUYUKI | |
| | Examiner | Art Unit | |
| | Dolores R. Collins | 3711 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *03 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *17-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

Examiner acknowledges response by applicant's representative received 3/3/05. Examiner further acknowledges the addition of claims 28-32.

### *Claim Rejections - 35 U.S.C. § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 17-32 are under 35 U.S.C. 103(a) as being unpatentable over Sankyo K.K. (733) in view of Hooker (683).

   Sankyo discloses, as his invention, a Game Machine.

Regarding claim 17

Sankyo teaches a gaming machine with a plurality of independently rotatable reels, rotatable about a common axis (see figures 19, 22 & 24), a reel sheet, with a plurality of symbols, attached to each reel (see figure 22), a display window for viewing symbols of at least two parallel lines to the common axis when stopped (see figure 19) a

display that has 2 or more identical symbols appearing serially, as shown in the main figure of his invention, figure 22 and in figure 19.

Sankyo discloses the claimed (display) invention but fails to explicitly teach that his reels are independently and selectively stoppable when rotating.
Hooker discloses Slot Machine Apparatus. Hooker teaches the use of Hold buttons which communicate with an electrical circuit to control the stopping/rotation of reels. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sankyo K.K. to include feeders in order to afford player more control of their outcomes.

Regarding claim 18

Sankyo teaches a display window that provides for the viewing of symbols when reels are stopped and the displaying of a winning line and lines that do not provide a winning state (see figure 19 & 21).

Regarding claim 19

Sankyo teaches a display with three reels (see figure 19).

Regarding claims 20 & 30-31

Examiner takes official notice that predetermined win combinations presented diagonally or on the win line of slot machines are also known in the gaming art.

Regarding claims 21 & 28

Sankyo K.K. teaches a display of one symbol appearing serially at least two times (see figure 22).

Regarding claims 22 & 29

Examiner takes official notice that predetermined win combinations are also known in the gaming art.

Regarding claims 23, 26, 27 & 32

Examiner takes official notice that predetermined win combinations are also known in the gaming art and further it would have been obvious to one of ordinary skill in the art at the time the invention was made to duplicate the symbols of each reel since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art.

Regarding claim 24

Sankyo does not explicitly teach the colors of his symbols. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use whatever color desired since it would only depend on the intended use of the assembly and the desired information to be displayed. Further, it has been held that when the claimed printed matter is not functionally related to the substrate it will not distinguish the invention from the prior art in terms of patentability. *In re Gulack,* 217 USPQ 401, (CAFC 1983). The fact that the content of the printed matter placed on the substrate may render the device more convenient by providing an individual with a specific type of color does not alter the functional relationship. Mere support by the substrate for the printed matter is not the kind of functional relationship necessary for patentability.

Regarding claim 25

Examiner takes official notice that predetermined win combinations are also known in the gaming art and further it would have been obvious to one of ordinary skill in the art at the time the invention was made to duplicate the symbols of each reel since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art.

Regarding the type/combination of symbol/indicia on each reel, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use whatever indicia desired since it would only depend on the intended use of the assembly and the desired information to be displayed. Further, it has been held that when the claimed printed matter is not functionally related to the substrate it will not distinguish the invention from the prior art in terms of patentability. *In re Gulack,* 217 USPQ 401, (CAFC 1983). The fact that the content of the printed matter placed on the substrate may render the device more convenient by providing an individual with a specific type of color does not alter the functional relationship. Mere support by the substrate for the printed matter is not the kind of functional relationship necessary for patentability.

### *Response to Arguments*

Applicant's arguments filed 3/3/05 have been fully considered but they are moot in view of the rejection newly presented claims.

Further, applicant's newly presented claims continue to teach limitations that are also known in the gaming art to be performed by slot and gaming machines.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited to show the state of art with respect to features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ***Dolores R. Collins*** whose telephone number is ***(703) 308-8352***. The examiner can normally be reached on 8.00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ***Greg Vidovich*** can be reached on ***(703) 308-1513***. The fax phone number for the organization where this application or proceeding is assigned is ***703-872-9306***.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC
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6/24/05

GREGORY VIDOVICH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700